

REMARKS

Claims 1-12 are pending.

Claims 1-12 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly be unpatentable over European Patent Application Publication No. EP 1 353 225 A2 to Kodama (hereinafter referred to as "Kodama"). This rejection is respectfully traversed.

Kodama is a European patent application publication. Accordingly, Kodama is available as a reference as of its publication date (i.e., October 15, 2003). The present application is a national stage application of International Patent Application No. PCT/JP2003/014051, filed on November 4, 2003. The present application therefore has a filing date of November 4, 2003 (See 35 U.S.C. §363). Since the present application was filed less than a year after the publication date of Kodama, Kodama is not available as a reference under 35 U.S.C. §102(b). Moreover, Kodama is only available as a reference under 35 U.S.C. §102(a). The present application, however, claims the benefit of the following prior foreign applications: Japanese Patent Application No. 2002-320697, filed on November 5, 2002; and Japanese Patent Application No. 2002-330870, filed on November 14, 2002. As set forth in the MPEP, a rejection under 35 U.S.C. §102(a) can be overcome by perfecting a claim to foreign priority under 35 U.S.C. §119(a)-(d). See MPEP § 706.02(b). Submitted herewith are certified English language translations of Japanese Patent Application Nos. 2002-320697 and 2002-330870. The filing dates of these priority documents antedate the date Kodama is available as a reference. It is therefore respectfully submitted that the rejection over Kodama has been

overcome. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

CONCLUSION

In view of the above remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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